

Exhibit D

Thursday, October 8, 2020 at 18:02:34 Eastern Daylight Time

Subject: RE: Kobach
Date: Wednesday, September 23, 2020 at 12:12:18 PM Eastern Daylight Time
From: Sobelman, Robert (USANYS)
To: Roos, Nicolas (USANYS), Justin Weddle
CC: Moe, Alison (USANYS), Julia Catania
Attachments: image001.png, image002.png, image003.png

Justin,

We have reviewed your letter. It remains our position that funds raised by We Build the Wall as part of the fraud scheme alleged in the Indictment are crime proceeds.

On the issue of unpaid vendors, it is our view that they are unpaid creditors and should not receive priority over defrauded victims.

On the issue of legal fees, in order to address the specific points in your letter, we would be grateful if you could please provide the following additional information:

1. Does We Build the Wall, Kobach, or anyone else you're writing on behalf of not have sufficient funds to cover the legal fees described in your letter? Particularly as this question relates to individuals, can you provide us with documents sufficient to show that they do not have sufficient other assets (i.e., assets separate from the funds you identified and which they are seeking to use) to cover the legal fees described in your letter?
2. Please provide legal authority, if you are aware of any, establishing that individuals (such as Kobach and Kolfage) may have a right to have corporate assets, as opposed to personal assets, freed to cover individual legal fees. In addition, with respect to an uncharged individual (such as Kobach), we would be interested in any legal authority establishing that an uncharged officer or employee may have a right to have corporate assets unfrozen to cover his individual legal fees in the course of an investigation.

Thanks,

Rob

From: Roos, Nicolas (USANYS) <nroos@usa.doj.gov>
Sent: Tuesday, September 22, 2020 1:24 PM
To: Justin Weddle <jweddle@weddlelaw.com>; Sobelman, Robert (USANYS) <RSobelman@usa.doj.gov>
Cc: Moe, Alison (USANYS) <AMoe@usa.doj.gov>; Julia Catania <jcatania@weddlelaw.com>
Subject: RE: Kobach

Justin,

Confirming receipt of this. We'll review and get back to you.

Nick

From: Justin Weddle <jweddle@weddlelaw.com>

Sent: Tuesday, September 22, 2020 11:33 AM

To: Sobelman, Robert (USANYS) <RSobelman@usa.doj.gov>

Cc: Moe, Alison (USANYS) <AMoe@usa.doj.gov>; Roos, Nicolas (USANYS) <nroos@usa.doj.gov>; Julia Catania <jcatania@weddlelaw.com>

Subject: Re: Kobach

Dear all,

Please see the attached letter. I have also attached the New Jersey subpoena referenced in my letter.

Justin S. Weddle

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From: "Sobelman, Robert (USANYS)" <Robert.Sobelman@usdoj.gov>

Date: Thursday, September 3, 2020 at 9:11 AM

To: Justin Weddle <jweddle@weddlelaw.com>

Cc: "Moe, Alison (USANYS)" <Alison.Moe@usdoj.gov>, "Roos, Nicolas (USANYS)" <Nicolas.Roos@usdoj.gov>

Subject: Kobach

Justin,

We understand that you represent Kris Kobach and will accept the following voluntary request on his behalf, which will include any materials within Mr. Kobach's possession, custody, or control (including, but not limited to, the files of his law firm).

For the purposes of our request, we provide the following instructions and definitions:

1. This request is for the production of categories of documents, records, correspondence, and other written and electronic material, as specified below, in your client's possession, custody or control. This request covers all responsive documents wherever they may be found, including on computers, email accounts, iCloud accounts, servers, cellphones, and other personal electronic devices, whether in the United States or any foreign jurisdiction.
2. "Documents" refers to any and all documents and records, in whatever form kept, including, but not limited to, writings, emails, text messages, messages sent through "apps" or social media accounts, drawings, graphs, charts, calendar entries, photographs, audio or visual recordings, images, and other data or data compilations, and includes materials on both paper and electronic form.
3. The term "We Build the Wall" refers to the Section 501(c)(4) organization bearing the name "We Build the Wall Inc." founded in or around January 2019, and includes all of its predecessor or successor organizations and fundraising campaigns, as well as any officers, directors, agents, or employees of those entities.
4. The terms "Freedom Daily LLC," "Media Vines LLC," "White Knights & Vultures LLC," "Stockton

Strategies LLC," "Citizens of the American Republic," "Ranch Property Marketing & Management LLC," "Richmond Strategic Advisors," "America First Medical," "Pitch Fork Politics," "Decisive Fiber Group Inc.," and "Big League Politics" each refer to a corporate entity bearing that name and include the entity's officers, directors, agents, or employees.

5. This request does not call for the production of any documents protected by a valid claim of privilege, although any responsive document over which privilege is being asserted must be preserved. Any documents withheld on grounds of privilege must be specifically identified on a privilege log with descriptions sufficient to identify their dates, authors, recipients, and general subject matter.

We request that your client produce the following materials, for the time period of December 1, 2018 until August 20, 2020:

1. Any and all documents relating to, including communications with or about, We Build the Wall, Freedom Daily LLC, Media Vines LLC, White Knights & Vultures LLC, Stockton Strategies LLC, Citizens of the American Republic, America First Medical, Ranch Property Marketing & Management LLC, Pitch Fork Politics, Richmond Strategic Advisors, Big League Politics, Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea, Amanda Shea, Lewis Moon, Daniel Fleurette, Michael Furey, Dustin Stockton, and Jennifer Lawrence.
2. Any and all documents relating to, including communications with or about, the use of We Build the Wall's email or donor lists in connection with your client's campaign for United States Senate, including, but not limited to, any solicitations for contributions.

We would be grateful if you could please confirm receipt, and produce to us the materials responsive to this request by the end of this month.

Thanks,

Rob

Robert B. Sobelman
Assistant United States Attorney
United States Attorney's Office
Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007
Tel: (212) 637-2616

From: Roos, Nicolas (USANYS) <nroos@usa.doj.gov>

Sent: Monday, August 31, 2020 9:40 PM

To: Justin Weddle <jweddle@weddlelaw.com>

Cc: Sobelman, Robert (USANYS) <RSobelman@usa.doj.gov>; Moe, Alison (USANYS) <AMoe@usa.doj.gov>

Subject: RE: <no subject>

Hi Justin,

I'm following up on our call from a little over a week ago. Have you worked out who, if anyone, you'll be representing in relation to our case? If you aren't representing Mr. Kobach, can you please share his counsel's

contact information?

Thank you,

Nick

Nicolas Roos
Assistant United States Attorney
United States Attorney's Office
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Tel: (212) 637-2421
Cell: (646) 832-5910

From: Justin Weddle <jweddle@weddlelaw.com>
Sent: Friday, August 21, 2020 3:27 PM
To: Roos, Nicolas (USANYS) <nroos@usa.doj.gov>
Cc: Sobelman, Robert (USANYS) <RSobelman@usa.doj.gov>; Moe, Alison (USANYS) <AMoe@usa.doj.gov>
Subject: Re: <no subject>

That's good. Thanks.

Justin S. Weddle

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From: "Roos, Nicolas (USANYS)" <Nicolas.Roos@usdoj.gov>
Date: Friday, August 21, 2020 at 3:26 PM
To: Justin Weddle <jweddle@weddlelaw.com>
Cc: "Sobelman, Robert (USANYS)" <Robert.Sobelman@usdoj.gov>, "Moe, Alison (USANYS)" <Alison.Moe@usdoj.gov>
Subject: RE: <no subject>

Justin,

My colleagues are copied on this email. Can we talk at 3:45? Here's my dial in:

Conference call number: **Redacted**
Passcode: ^{Redacted}

Nick

Nicolas Roos
Assistant United States Attorney
United States Attorney's Office
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Tel: (212) 637-2421

From: Justin Weddle <jweddle@weddlelaw.com>
Sent: Friday, August 21, 2020 3:22 PM
To: Roos, Nicolas (USANYS) <nroos@usa.doj.gov>
Subject: <no subject>

Justin S. Weddle

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